

REMARKS

The Office examined claims 1-3, 5-10, and 12-23. Claims 8-10, 12-15 and 19-23 are allowed, claims 5 and 17 are objected to, and claims 1-3, 5-7 and 16-18 are rejected. This paper requests reconsideration.

Rejections under 35 USC §103

At sections 1-4 of the Office action, claims 1-3, 6-7, and 16 and 18 are rejected under 35 USC §103(a) as being unpatentable over WO99/30479 (hereinafter Alperovich) in view of U.S. Pat App. Pub. No. 2004/0092265 (hereinafter Chitrapu) and US Pat. App. Pub. No. 2003/0026399 (hereinafter Carlson). Of the claims so rejected, the sole independent claim is claim 1.

As to claim 1: Claim 1 is to a method for use by a communication device in: obtaining information about one or more currently active cellular network systems to each of which the device has one or more active connections for respective connected applications hosted by the device, wherein the information includes at least the number and type of connections currently in use; and deciding whether to allow establishing a new connection to one of the currently active cellular network systems or to another cellular network system on behalf of another application hosted by the device based on factors including the information about currently active cellular network systems.

In the Response to Arguments section of the Office action, the Office asserts that Alperovich describes “new connection being performed based on cellular system with application having lower rate, which reads on connection of the device to another system with an application, i.e., a decision taken based on favorite factors with the device. ... Even though Alperovich does not expressly disclose factors including the information about currently active networks, one skilled in the art would conceptualize that the factors including the information about currently active networks are necessary for devices to continue with secure and efficient connections.” Alperovich, however, discloses a mobile station subscribed to one PLMN, which changes to a different PLMN due to roaming out of the area of the subscribed PLMN; *selection of the new PLMN is by virtue of the mobile station receiving messages from a broadcast channel*,

which provides information about the available PLMNs. In Alperovich, the information is rate (cost) information associated with different cellular systems. It is unlike another application hosted by a communication device based on factors including the information about currently active cellular network systems. Thus, as in claim 1, even if a new connection is to “another cellular network system,” it is on behalf of “another application hosted by the device.” The rate (cost) of such “another cellular network system” is not “information about currently active cellular network systems” as required by claim 1.

The Office relies on Chitrapu for disclosing “information about combinations of different connections allowed by each currently active network system.” In contrast to claim 1 of the current invention, however, Chitrapu discloses the available networks to which the mobile station may switch connections, but does not disclose or suggest the features that are lacking in Alperovich, as discussed above. Specifically, the recited actions as claimed require that the communication device have one or more *active* connections to *each* of the one or more currently active cellular network systems. Chitrapu fails to disclose or suggest this feature.

The Office relies on Carlson for disclosing “determining the number of carriers, i.e. at least the number of connections for selection of the system.” Further in contrast to the claimed invention, however, Carlson discloses the selection of a carrier for an ADSL system, and does not disclose or suggest communication via a cellular network system, as required by claim 1. As defined by Wikipedia, ADSL is “is a form of DSL, a data communications technology that enables faster data transmission over copper telephone lines than a conventional voiceband modem can provide. It does this by utilizing frequencies that are not used by a voice telephone call.” [Emphasis added] (copy of Wikipedia definition attached as Exhibit A). Thus, Carlson is a form of *wired* communications, which is contrary to the claimed invention which recites communication via cellular network systems, i.e. *wireless* communication.

In particular, Carlson is directed to using pseudo-random bit sequences (PRBS) generators or scramblers and a method of selecting one of a plurality of PBRS generators (Carlson, paras. [0004]& [0005]). The “carriers” referenced in Carlson (Carlson, step 601 of Fig. 6) are carriers used to establish ADSL communication. Such carriers are frequency bands (tones) to be used to set up the ADSL communication (Carlson, para. [0044]).

To assist the Office with regard to ADSL technology, included as Exhibit B is a copy of Figure 12 of U.S. Patent 7,099,313, which shows tone spacing (associate with carriers) and how the carriers are used or not used depending on line conditions of the copper wire pairs. These carriers are clearly unlike the connections associated with currently active cellular network systems of the present invention. Such carriers and the determination of the number of carriers to use (Carlson, step 601 of Fig. 6) are unlike the active connections of currently active cellular network systems as set forth in claim 1 of the present application. Furthermore, Carlson only determines the number of carriers for an ADSL communication and does not determine anything about their type. Consequently, Carlson fails to disclose or suggest anything concerning the obtaining of information about the number and type of connections currently in use with regard to one or more currently active cellular network systems.

Hence, applicant respectfully submits that Carlson is directed to unrelated subject matter, and therefore cannot fairly be used as a prior art reference in combination with Alperrovich and Chitrapu under 35 USC §103. Furthermore, applicant respectfully submits that a person of ordinary skill in the art would not combine the teachings of Carlson with the teachings of Alperrovich and Chitrapu in order to arrive at the claimed invention since they disclose entirely different modes of communication. Moreover, Carlson does not disclose or suggest the features that are lacking in Alperrovich, as discussed above.

Consequently, Alperrovich, Chitrapu and Carlson, taken singly or in combination, fail to disclose or suggest all the features of the invention as recited in claim 1. For at least the reasons provided above with regard to claim 1, Applicant respectfully requests that the rejection of claim 1 under 35 USC §103(a) be reconsidered and withdrawn.

Claims 2-3, 5-7 and 16-18 are directly or indirectly dependent from claim 1 and recite additional features not recited in claim 1. For at least the reasons provided above with regard to claim 1, Applicant respectfully requests that the rejection of claims 2-3, 5-7 and 16-18 under 35 USC §103(a) be reconsidered and withdrawn.

At section 3 of the Office action, the Office objects to claims 5 and 17 as being dependent on a rejected base claim, but asserts that claims 5 and 17 would be allowable if rewritten in independent form including all of the limitations of the base claims and intervening claims.


Applicant respectfully submits that claims 5 and 17 are allowable in view of the above reasoning and at least in view of their dependencies.

CONCLUSION

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited.

Respectfully submitted,

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